

REMARKS

Claims 1-13 and 15 are pending. Claims 1 and 11 have been amended. In view of the above amendments and the following remarks, reconsideration and further examination are respectfully requested.

The examiner rejected claims 1-5 and 7 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Re. 35,572 to *Lloyd, et al.* Applicant respectfully traverses the examiner's position in this regard.

A distinction between *Lloyd, et al.* and the present application is that in *Lloyd, et al.* introduces air to the air spring when the travel of the seat is downward and releases air from the air spring when the travel of the seat is upward (see col. 5, line 63 to col. 6, line 5 of *Lloyd, et al.*); whereas, the present invention switches off the additional air supply both when the seat moves upward or downward beyond the predefined comfort zone where the additional air supply is switched on. Claim 1 has been amended to clearly incorporate this limitation.

Since claim 1 should be allowable, claims 2-10 dependent thereon should also be allowable.

Claim 11 was rejected under 35 U.S.C. 103(a) as being unpatentable over *Lloyd, et al.* The examiner's reasoning with respect to this rejection is essentially the same as for the anticipation rejection of claim 1, except that the examiner points out that *Lloyd, et al.* does not teach a method utilizing the elements set forth therein. The examiner states that it would have been obvious to use the device of *Lloyd, et al.* in a method. However, based on the discussion above and the fact that claim 11 has been amended similar to claim 1, applicant traverses the

**ATTORNEY DOCKET NO.: 08146.0001U1
Application No. 10/812,833**

examiner's rejection of claim 11 for the same reason that *Lloyd, et al.* does not teach all of the elements of the method.

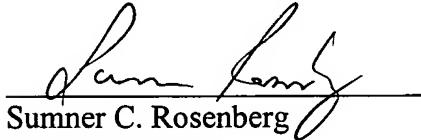
Therefore, claim 11 should also be found to be allowable, along with its dependent claims 12, 13 and 15.

**ATTORNEY DOCKET NO.: 08146.0001U1
Application No. 10/812,833**

A Credit Card Payment Form PTO-2038 authorizing payment in the amount of \$1810.00, representing \$790.00 for the fee for a large entity under 37 C.F.R. § 1.17(e), and \$1020.00, representing the fee for a large entity under 37 C.F.R. § 1.17(a)(3) for a three month extension of time, is also enclosed. This fee is believed to be correct, however, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

NEEDLE & ROSENBERG, P.C.

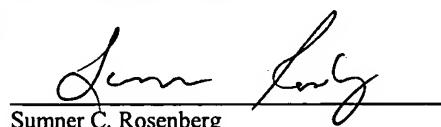


Sumner C. Rosenberg
Reg. No. 28,753

NEEDLE & ROSENBERG, P.C.
Customer Number 23859
(678) 420-9300
(678) 420-9301 (fax)

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence, including any items indicated as attached or included, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.



Sumner C. Rosenberg

Date

